

### **REMARKS**

Claims 12 and 14-16 are cancelled herein without prejudice to their later prosecution in this or another application. Claims 18-21 have previously been cancelled. Applicants reserve the right to prosecute any subject matter related thereto in future continuation or divisional applications. Claims 1-4, 7-10, and 13 have been amended. Since all of these inventions are reasonably conveyed by the specification, original claims, and previously presented claims, there is no issue of new matter.

Upon entry of this amendment, claims 1-11, 13 and 17 are pending.

### **Election/Restriction**

Applicants thank the Examiner for acknowledging the election of the subject matter of Group I, claims 1-17 and 21, drawn to products of Formula I and the species of Example 2.

### **Information Disclosure Statement**

Applicants thank the Examiner for consideration of the documents cited in the IDS filed on March 31, 2005 and February 16, 2007, and for return of the initialed forms PTO/SB/08.

### **Claim Objections**

Claims 1-11, 13, and 17 are objected to for allegedly containing non-elected subject matter. Applicants have amended claims 1-4, 7-10, and 13 to address the Office's concerns. Applicants request that the objection be withdrawn.

### **Rejections under 35 U.S.C. §112**

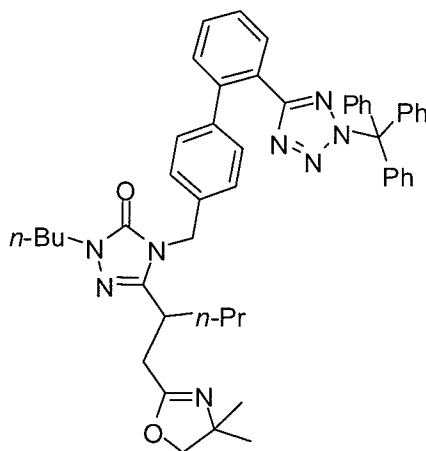
Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically the Examiner objects to the reference to "compound" and "pharmaceutically acceptable salts thereof." The Examiner asserts that it is unclear whether the invention is drawn to a mixture of the separate components

(e.g., salts), or whether the components are alternatives within one claim (e.g., one salt).

Applicants have amended the final phrase in claim 1 to read "or pharmaceutically acceptable salts or mixtures thereof." Applicants believe the Examiner's clarity objections have been addressed. Accordingly, Applicants respectfully request that the rejection be withdrawn.

### **Rejections under 35 U.S.C. §102**

Claims 1, 2, 7, 9, and 17 are rejected under 35 U.S.C. 102(b), as allegedly being anticipated by Huang et al., Caplus an 1995:227811 (herein after Huang). The Office states Huang describes the following angiotensin II receptor antagonist:



RN 160561-33-1

wherein:

R<sub>1</sub> = benzyl (substituted with R<sub>a</sub> = substituted phenyl (substituted tetrazole (substituted with R<sub>a</sub> = substituted alkyl (substituted with R<sub>a</sub> = phenyl))));

T = substituted alkylene (substituted with R<sub>a</sub> = alkyl);

R<sub>4</sub> = *n*-butyl;

R<sub>5</sub> and R<sub>2</sub> form substituted heterocycle (substituted with R<sub>a</sub> = alkyl).

Claim 1 recites that R<sub>1</sub> is chosen from benzyl, chlorobenzyl, methylbenzyl, methoxybenzyl, cyanobenzyl, hydroxybenzyl, dichlorobenzyl, and dimethoxybenzyl. The 2-(2-trityl-2H-tetrazol-5-yl)phenyl substituent on 4-position thus does not within the scope of the pending claims. Applicants respectfully request that the rejection be withdrawn.

### **Rejections under 35 U.S.C. §103**

Claims 3, 8, and 10 are rejected under 35 U.S.C. 103(a) as allegedly being obvious over Huang.

As noted above, the Huang compound has a 2-(2-trityl-2H-tetrazol-5-yl)phenyl substituent on 4-position of the benzyl group. The pending claims do not encompass such a substituent. Rather, the pending claims recite that R<sub>1</sub> be benzyl, chlorobenzyl, methylbenzyl, methoxybenzyl, cyanobenzyl, hydroxybenzyl, dichlorobenzyl, or dimethoxybenzyl. Huang does not teach or fairly suggest the preparation of compounds having those R<sub>1</sub> substituents. Indeed, Applicants submit that Huang teaches against their preparation.

That is, Huang notes that the compounds being prepared are “conformationally restricted”. The combination of a trityl group appended to the tetrazole which is in turn coupled to a biphenyl surely contributes to that conformational restriction. In contrast the pending claims only recite the use of certain substituted benzyl groups. Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to replace a 2-(2-trityl-2H-tetrazol-5-yl)phenyl substituted benzyl group with the R<sub>1</sub> groups claimed herein. Accordingly, the claimed compounds would not have been obvious from Huang. Applicants respectfully request that the rejection be withdrawn.

**CONCLUSION**

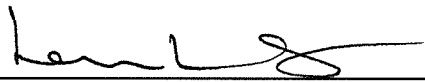
In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Date: April 8, 2008

By: 

Lauren L. Stevens  
Reg. No. 36,691

Tel: (650) 849-6614  
Email: lauren.stevens@finnegan.com